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PATENT  
Attorney Docket No. 29473/11899A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	)	I hereby certify that this paper is being
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Mühlradt <i>et al.</i>	)	Service as first class mail, postage
	)	prepaid, in an envelope addressed to:
Serial No. 10/748,033	)	Mail Stop Amendment, Commissioner
	)	for Patents, P.O. Box 1450, Alexandria,
Filed: December 30, 2003	)	VA 22313-1450 on this date:
	)	
For: Utilization of Lipopeptides or	)	June 16, 2006
Lipoproteins in Wound Treatment and	)	
Infection Prophylaxis	)	
	)	<i>Andrew M. Lawrence</i>
Group Art Unit: 1654	)	Andrew M. Lawrence, Reg. No. 46,130
	)	Attorney for Applicants
Examiner: Maury A. Audet	)	

RESPONSE TO OFFICIAL ACTION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Official Action dated May 16, 2006, wherein restriction and election of species requirements were imposed. This response is timely filed.

**Restriction Requirement**

The official action sets forth a restriction requirement between "methods of using compositions comprising distinct lipopeptide structures, which are each independent and distinct." See official action at page 2. The applicants hereby elect to prosecute claims drawn to peptide group 3 (comprising SEQ ID NOS: 3, 7, 8, and 10), with traverse.

The applicants reserve the right to file one or more divisional applications drawn to the subject matter of the other peptide groups.

**Election of Species Requirement**

The official action also sets forth an election of species requirement. The examiner indicated that the lipopeptide structure (as shown in the general formula of claim 1) is directed to patentably distinct species. Specifically, the examiner required the applicants to elect a single species for each of the R<sup>1</sup>, R<sup>2</sup>, X, Z<sup>1</sup>, Z<sup>2</sup>, and W substituents, and n.

In accordance with the requirement set forth in the official action, the applicants provisionally elect MALP-2, wherein:

R<sup>1</sup> is: C15 alkyl;

R<sup>2</sup> is: C15 alkyl;

X is: S;

Z<sup>1</sup> is: H;

Z<sup>2</sup> is: H; and,

W is: CO (n is therefore not applicable).

Currently, claims 1-3, 6-9, 11, and 12 are generic in relation to the species identified by the examiner; claims 1-4 and 6-12 read on the provisionally elected species; and, claim 5 does not read on the provisionally elected species.

Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, she is respectfully invited to contact the undersigned attorney at the indicated telephone number.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

June 16, 2006



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